S.B. Civil Writ Petition No.3981/99
Bitha Vs. Board of Revenue & Ors.

16.08.2007

Hon'ble Mr. Justice Mohammad Rafiq

Shri R.S. Purohit for petitioner.
Shri G.C. Saini for respondent.

Heard learned counsel for the parties.

Both the learned counsels have jointly filed an application to place on record the compromise arrived at between the parties. Bone of contention between the parties is the land of khasra no.1043 measuring 1 bigha and 10 biswas in town Badi, District Dholpur. This writ petition was originally filed by Bitha challenging the judgment passed by the Board of Revenue, Revenue Appellate Authority and Sub-Divisional Officer dated 2.8.1996, 14.6.96 and 28.12.1992

respectively.

Bitha was claiming title of the aforesaid land on the basis of adverse possession. Although a decree of injunction had been passed in favour of Smt. Noor Begum widow of Ali Khan predecessor-in-title of Khanu Begum, the present respondent no.4, but since the decree holder failed to get the same executed within 12 years, the petitioner claimed to have acquired title of the said land by virtue of adverse possession. In the suit filed by Noor Begum, her brother Ahmed Sheyad Khan, who is now represented by his legal heirs respondent nos.5 to 7, did not contest the suit filed by the petitioner and acknowledged his possession as well as title. The dispute thus remains between petitioner Bitha and the original

defendant Noor Begum. Upon the death of Noor Begum, her daughter Smt. Khanu Begum replaced her as her legal heir. During the pendency of the writ petition, Bitha the original petitioner also expired who is since represented by his legal representatives arrayed as petitioners at S.No.1/1 to 1/7.

According to the terms of the compromise arrived at between the parties, it has not been agreed that the contesting respondent Khanu Begum who is now the sole khatedar of khasra no.1043 measuring 1 bigha and 10 biswas shall give ¼th of the aforesaid land to the petitioners and the petitioners on their part shall hand over possession of remaining ¾th of the share to aforementioned Smt. Khanu Begum. The application for recording compromise

filed before this Court contains signatures of power of attorney holder Smt. Khanu Begum and thumb impression of Shri Loharey on his own behalf and on behalf of other legal heirs of original petitioner Bitha as their power of attorney holder. The factum of compromise is apparent from the application, yet it is considered appropriate to direct the SDO, Badi, District Dholpur to verify the compromise so arrived at and if found correct, effect the consequential changes in the revenue records as also on ground. Parties are directed to appear before the SDO on 29th August, 2007.

The writ petition is accordingly disposed of with no order as to costs.

(Mohammad Rafiq),J.

Rs/-